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Report of the Special Rapporteur on extreme poverty and human rights on his mission to Ghana*

Note by the Secretariat

The Secretariat has the honour to transmit to the Human Rights Council the report of the Special Rapporteur on extreme poverty and human rights, Philip Alston, on his mission to Ghana from 9 to 18 April 2018. The purpose of the visit was to evaluate and report to the Human Rights Council on the extent to which the Government's policies and programmes aimed at addressing extreme poverty are consistent with its human rights obligations and to offer constructive recommendations to the Government and other stakeholders.

* The present report was submitted after the deadline in order to reflect recent developments.

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Report of the Special Rapporteur on extreme poverty and human rights on his mission to Ghana**

Contents

		Page
I.	Introduction	3
II.	Overview	4
III.	Extent of poverty	5
IV.	Growing inequality	7
V.	Factors exacerbating the situation of those living in poverty	8
	A. Gender discrimination	8
	B. Sexual orientation and gender identity discrimination	9
	C. Discrimination against persons with disabilities	10
	D. A criminal justice system for the rich	11
VI.	Major challenges	12
	A. Acknowledging economic and social rights	12
	B. Improvements needed in key social protection programmes	12
	C. Affordability	15
	D. Tackling corruption	17
VII.	Conclusions and recommendations	18

** Circulated in the language of submission only.

I. Introduction

1. The Special Rapporteur on extreme poverty and human rights visited Ghana from 9 to 18 April 2018, in accordance with Human Rights Council resolution 35/19. The purpose of the visit was to report to the Council on the extent to which the Government's policies and programmes relating to extreme poverty are consistent with its human rights obligations and to offer constructive recommendations to the Government and other stakeholders.

2. The Special Rapporteur is grateful to the Government of President Akufo-Addo and the Ministry of Foreign Affairs and Regional Integration for facilitating his visit and for its admirable cooperation with the accountability mechanisms of the Human Rights Council.

3. During his visit, the Special Rapporteur met with the Minister and Deputy Minister for Foreign Affairs and Regional Integration, the Minister for Health, the Deputy Minister for Gender, Children and Social Protection, the Chief Director of the Ministry of Lands and Natural Resources, the Chief Director of the Ministry of Chieftaincy and Religious Affairs, the Solicitor General, the acting Government Statistician and the Director of Plan Coordination of the National Development Planning Commission. He also benefited greatly from conversations with representatives of civil society, academia, the diplomatic corps, international organizations and people living in poverty in both urban and rural areas. The Special Rapporteur regrets that the Finance Ministry was unable to respond positively to his many requests for a meeting with even a single official from the Ministry during his 10-day mission.

4. Ghana remains a champion of democracy in Africa, with power having regularly changed hands democratically since 1992. It has no internal armed conflicts and has avoided the grave security threats faced by its regional neighbours. In development terms, its record of achieving certain Millennium Development Goals by 2015 is impressive. It met the targets for halving extreme poverty and halving the proportion of people without access to safe drinking water, and it achieved the goals relating to universal primary education and gender parity in primary school.

5. In the period ahead, it is set to become Africa's fastest-growing economy in 2018. In February, *Bloomberg News* proclaimed it the star of Africa in the 2018 lenders' economic forecasts.[1] And in reporting on the same fiscal policy achievements in March, *Le Monde* pointed out that its success is not just the result of an oil-driven boom, but is also due to prudent economic management, an entrepreneurial population, the role of traditional leaders, and good governance.[2] In addition, the country's achievements in providing free schooling and free meals to students, and its creation of a health insurance scheme for the whole country are considerable accomplishments.

6. But there is another side to the coin. The benefits of record levels of economic growth experienced over the past decade have gone overwhelmingly to the wealthy. Inequality is higher than it has ever been in Ghana, while almost 1 person in 4 lives in poverty and 1 in 12 lives in extreme poverty. Spending on social protection is very low by the standards of comparable African countries and remarkably little is spent on social assistance. Ghana has a number of admirable social programmes, but few convincing plans for funding many of them adequately. As a result, a large number of Ghanaians do not enjoy their basic economic and social human rights and the prospects that Ghana will meet many of the Sustainable Development Goals are not encouraging.

7. Government officials are convinced that a range of major initiatives designed to implement election campaign promises will generate major economic growth, thereby also solving problems such as continuing high rates of poverty and problematic levels of urbanization. Based on extensive conversations with people familiar with the intricacies of

[1] See www.bloomberg.com/news/articles/2018-02-05/star-of-africa-in-2018-lenders-economic-forecasts-is-ghana.

[2] See www.lemonde.fr/afrique/article/2018/03/16/ghana-le-grand-bond-en-avant_5272299_3212.html.

the plans and of the economy, as well as other experts, the Special Rapporteur concludes that unless these programmes are supplemented by specific, targeted and funded initiatives, poverty rates will continue to remain far higher than they should be, especially in a booming economy.

II. Overview

8. A key function of the Special Rapporteur in visiting any country is to seek to understand the problems of extreme poverty by talking with those living in such conditions. Thus, in Accra he met with many male and female "head porters" (that is, porters who carry loads on their heads, known locally as *kayayei*) and others who, at night, sleep completely unprotected in the capital city's main markets and transport stations and in the nearby streets. Such people are drawn to the big cities because there are no jobs for them in rural areas, but what they find is nowhere to shelter, little if any affordable toilet access and the grimmest of conditions for any accompanying children. In Old Fadama, a huge informal settlement in Accra, the Special Rapporteur was shown the cramped, polluted and often diseased conditions in which over 100,000 people live. He also saw pride and resilience, despite the lack of basic government services, and the immense challenges presented by daily life in such circumstances.

9. In Bongo, in the Upper East Region, the Special Rapporteur met with young men who expressed deep frustration that even after graduating from senior high school or college, there were very few jobs available for them, largely because Ghana's economic growth miracle has created very few jobs. He met with administrators who expressed serious concerns that such youths are prime targets for the radicalization that comes from a feeling of hopelessness.

10. In rural areas outside Bolgatanga, capital of the Upper East Region, a group of parents told the Special Rapporteur how traditional communities shun and sometimes even eliminate children with disabilities on the grounds that they are "spirit children" or "evil spirits". He also met elderly people and people with disabilities, who indicated that government assistance from the "Livelihood Empowerment Against Poverty" programme covered them for at best two weeks out of an eight-week pay cycle. They also described how others in their village had been distressed to be excluded from the cash assistance programme, despite being just as poor as they were. And he met with rural women, some of whom told him that they had had to withdraw their children from primary school because of hidden charges that they couldn't afford to pay, while others explained how they felt they would be able to make a living if even minimal training was provided in basket-weaving and other low-cost skills, or improved credit access was provided.

11. The Special Rapporteur also met with a large group of 12–15 year-olds, who reflected on how child marriages came about. They told of girls who saw no future in education and whose traditionally-minded parents were often keen to be rid of the burden of caring for them. If they became pregnant, that offered a way to leave their parents' home. But it also usually meant the end of their education and the continuation of a life of poverty for the girl and her children.

12. The focus of the present report is on the ways in which Ghana, with its record economic growth rates, its imminent exit from the International Monetary Fund Extended Credit Facility and the President's strong commitment to meeting the Sustainable Development Goals, can begin to address stubbornly high rates of poverty and extreme poverty and rapidly growing levels of inequality that are harmful to growth and equity, and undermine respect for human rights. Those challenges reflect very low levels of social assistance and of spending on social protection compared to comparable African States. The Special Rapporteur believes that funding could readily be made available to overcome these high levels of poverty if there is the political will to bring about change.

III. Extent of poverty

13. A snapshot of the situation in the Northern Region, which covers almost one-third of the territory of Ghana, provides an illustration of the extent of poverty in one of the country's poorest regions: 70 per cent of the residents are in the bottom 20 per cent income group nationally; 47 per cent of men have no education; only 27 per cent of women are literate; almost one quarter of students do not complete primary school; 111 of every 1,000 children born die before the age of 5; and 82 per cent of children are anaemic, one third are stunted and one fifth are underweight.

14. According to the country's own figures, one person in five lives in poverty and one in eight lives in extreme poverty. A person is deemed to be "poor" in Ghana if their income is less than 1,314 cedis per adult per year (which was the equivalent of $1.83 per day in 2013 when the relevant survey was undertaken, but was only 80 cents in April 2018),[3] while the "extreme poor" live on less than 792 cedis per adult per year (equivalent to $1.10 per day, in 2013, but only 48 cents in April 2018).[4] According to the United Nations Development Programme, the poverty line was only 27.1 per cent of the mean consumption level in 2012/13, while the extreme poverty line was 44.9 per cent.[5] At the national level, official estimates of income poverty show a reduction from between 51 per cent and 56.5 per cent in 1991–1992, to 24 per cent in 2012–2013.[6]

15. Child poverty rates are especially problematic with 3.65 million, or 28.3 per cent of all children, living in poverty. A child is now almost 40 per cent more likely to live in poverty than an adult, compared to only 15 per cent more likely in the 1990s. One child in 10 lives in extreme poverty, meaning that 1.2 million children live in households that are unable to provide even adequate food.[7]

16. Poverty in Ghana is increasingly rural, with 38.2 per cent of people in rural areas being poor, compared to 10.4 per cent in urban areas.[8] Poverty levels are especially high in the agricultural sector, which has shown significantly slower growth than other sectors and has been accorded a low priority by the Government.[9]

17. The majority of persons living in poverty live in the north. The regions with the highest poverty rates are the Northern, Upper East and Upper West Regions, but the Northern Region in particular is languishing. Poverty rates are increasing in the coastal zone and in urban settings, and overall poverty reduction is not keeping pace with population growth.[10]

18. Ghana is experiencing rapid urbanization, especially, but not only, in Accra. The growing urban population is often very poor and the cities are becoming increasingly segregated as inequality gaps grow ever larger. While people migrate to escape from rural unemployment, underemployment and poverty, and to search for better socioeconomic opportunities, the reality they face in cities like Accra is very high unemployment rates and lack of access to housing and basic services, such as water and sanitation.

19. Ghana has a housing deficit of about 1.7 million units, which is projected to increase to 2.4 million this year, and 3.8 million by 2020. Already, many people end up living on the streets in public places, such as bus stations and markets, and performing menial tasks in

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[3] The "upper" poverty line.

[4] The "lower" poverty line.

[5] See United Nations Development Programme (UNDP), *Ghana Millennium Development Goals 2015 Report*.

[6] See Ghana Statistical Service, *Ghana Living Standards Survey Round 6 (GLSS6): Main Report* (August 2014).

[7] See Edgar Cooke, Sarah Hague and Andy McKay, "The Ghana poverty and inequality report: using the 6th Ghana living standards survey" (United Nations Children's Fund (UNICEF), 2016).

[8] See World Bank, "Poverty reduction in Ghana: progress and challenges" (2015).

[9] See Andy Mckay, Jukka Pirttilä and Finn Tarp, "Ghana: poverty reduction over thirty years" in *Growth and Poverty in Sub-Saharan Africa*, Channing Arndt, Andy McKay and Finn Tarp, eds. (Oxford, Oxford University Press, 2016).

[10] See Cooke, Hague and McKay, "The Ghana poverty and inequality report".

the informal sector, such as hawking, street vending and working as head porters. With no social assistance in place to support the unemployed, engagement in very low-paying informal activity becomes a survival strategy and many turn to sex work and criminal activities as their only perceived options for making a living.

20. Statistics vary and detailed studies seem to be scarce, but the figure of 90,000 street children in Accra in 2014 appears to be widely accepted.[11] More than 20 years ago, the Committee on the Rights of the Child expressed its concern, both at the number of street children and at the lack of statistical data and studies on their situation. All too little seems to have changed, despite Ghana's economic miracle (see CRC/C/15/Add.75, para. 19).

21. The lack of current data on the number of people living on the streets and the unemployment rate of internal migrants is concerning. In 2017, the Ministry of Gender, Children and Social Protection launched a national strategy entitled "Operation get off the street for a better life". The Special Rapporteur unsuccessfully requested a copy of the strategy, but media reports provide some of the details.[12]

22. From the information available, several concerns emerge. First, the motivations for the project appear to be rather diverse and not easily reconcilable. It aims to rid the country's streets and roadsides of hawkers and beggars, but also to enhance and strengthen family care systems and sensitize communities on the laws protecting the rights of children and the benefits of family based care. Second, the target group is very diverse and gives rise to very different challenges in terms of government policy. It includes: head porters, hawkers, children who are beggars and those contracted to push disabled people in wheelchairs to ask for alms. Others are adult beggars, persons with disabilities, families living on the streets, displaced persons (international migrants) and begging contractors. Third, the project involves three separate phases: mapping, remediation, and training, but it is not clear how they will relate to one another, especially given the broad range of issues to be tackled. Fourth, while a mapping phase has reportedly already begun, the size of the target population remains very unclear. The Minister indicated that the programme is directed at 300,000 street-dwellers, but the Chief Director of the Gender Ministry announced that 600,000 people had been targeted within the next five years to be evacuated from the roadsides. The former figure seems extremely low in light of other available evidence. Fifth, as with so many major social initiatives in Ghana, there appears to be no funding. As the Minister put it, the initiative requires massive funding support, and she called on the goodwill of development partners, all stakeholders and the private sector to step up their support for sustaining the initiative. Sixth, the solutions rely heavily on the Government's signature economic programmes to produce results, whereby persons on the streets will be trained to take advantage of government initiatives, such as "One Village, One Dam"; reforestation; the hospitality industry; and "Planting for food and jobs". To the extent that those programmes reflect the main attempt by the Government to address the plight of those living in extreme poverty on the streets of Accra and other major cities, there is little reason to expect serious and sustainable results.

23. Another major challenge is the appalling quality of life in informal settlements. By walking through Old Fadama, the biggest informal settlement in Ghana located in the heart of Accra, and speaking with the residents, the Special Rapporteur witnessed the lack of access to basic services and the poor living conditions, and was told how the continuous possibility of forced eviction haunts the residents' contemplation of the future.

[11] See Kwaku Oppong Asante, "Street children and adolescents in Ghana: a qualitative study of trajectory and behavioural experiences of homelessness", *Global Social Welfare*, vol. 3, No. 1 (March 2016). A 2011 survey identified 61,492 street children in the Greater Accra Region and an additional 24,000 were added to that figure in 2012. See Department of Social Welfare, "Census on street children in the Greater Accra Region, Ghana" (2011 and 2012).

[12] See www.atinkaonline.com/fm/gender-ministry-launches-operation-get-off-the-street-now-for-a-better-life-project/, www.ghanaweb.com/GhanaHomePage/NewsArchive/Gender-Ministry-launches-operation-get-off-the-street-for-a-better-life-605067, and www.myjoyonline.com/news/2017/november-29th/govt-unveils-robust-plan-to-give-better-life-to-300000-street-dwellers.php.

24. Non-governmental organizations working on the ground estimate that about 100,000 people currently live in Old Fadama, but there is no reliable official data. A community-led survey in 2009 counted some 79,000 residents, but the community is absorbing newcomers every day despite its overcrowding. The main concern expressed by residents was that they were being denied access to the basic services and assistance necessary to improve their livelihoods. The absence of such services undermines their opportunities and those of their children to escape from living in poverty. Of those of working age, 96 per cent are in some form of employment, overwhelmingly in the informal sector, and especially at the Agbogbloshie market and the lorry station. Sixty-five per cent of children under 18 do not attend school.[13]

25. Old Fadama is both a thriving community and a blight on the city. Rather than insisting that nothing can be done until a long-term solution can be found, the Government should take urgent action to upgrade the living conditions of so many people. In consultation with the community, efforts should be made to improve housing conditions and access to water, sanitation, electricity, education and health care for its residents. If relocation is eventually considered, it should be undertaken in accordance with the basic principles and guidelines on development-based evictions and displacement (see A/HRC/4/18, annex I).

IV. Growing inequality

26. Inequality has been rising consistently over the past 20 years,[14] giving Ghana one of the fastest growing rates in Africa.[15] The rise in inequality is apparent in household consumption. In 1987–1988, the consumption of the top 10 per cent of households was 4.7 times higher than the bottom 10 per cent. In 2012 it was nearly seven times greater.[16] In that time, the Gini index rose by 8 points.[17] The average consumption of the wealthiest 10 per cent increased by 27 per cent between 2006 and 2013, while the consumption of the poorest 10 per cent increased by only 19 per cent.[18] The top 10 per cent consume approximately one third of total national consumption, in stark contrast to the poorest 10 per cent who consume a mere 1.72 per cent.[19]

27. It has been estimated that the number of millionaires will increase by 80 per cent over the next decade and that the country's wealthiest 80 people own wealth equivalent to almost 7 per cent of the country's entire gross domestic product (GDP).[20]

28. The north-south divide is especially marked in terms of income inequality.[21] A strong spike in such inequality between 1999 and 2006 "slowed down the impact of growth on poverty reduction".[22] That differential accounted for 10 per cent of national inequality in 2013, while rural versus urban inequalities accounted for 17.6 per cent of national inequality.[23] Significant inequality also exists at both the regional and intraregional level

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[13] See Housing the Masses report on community-led enumeration of Old Fadama community, Accra (2010).

[14] See Mckay, Pritilla and Tarp, "Ghana: poverty reduction over thirty years".

[15] See Cooke, Hague and McKay, "The Ghana poverty and inequality report".

[16] See World Bank, "Poverty reduction in Ghana: progress and challenges". See also Cooke, Hague and McKay, "The Ghana poverty and inequality report" and Andy Mckay, Eric Osei-Assibey, "Inequality and poverty in Ghana" in *The Economy of Ghana Sixty Years after Independence*, Ernest Aryeetey and Ravi Kanbur, eds., (Oxford, Oxford University Press, 2017).

[17] See World Bank "Poverty reduction in Ghana: progress and challenges".

[18] See Cooke, Hague and McKay, "The Ghana poverty and inequality report".

[19] Ibid.

[20] See Goodman AMC, "Ghana Wealth Report: the 80 richest people in Ghana and how they contribute to GDP" (2017).

[21] See Mckay, Pritilla, and Tarp, "Ghana: poverty reduction over thirty years".

[22] See Cooke, Hague and McKay, "The Ghana poverty and inequality report", citing Ghana Statistical Service, "Pattern and trends of poverty in Ghana 1991–2006" (2007).

[23] Ibid.

countrywide.[24] The Upper West, Upper East, and Brong Ahafo Regions all have particularly high inequality levels.[25]

29. Apart from income, inequality manifests itself in other ways. For example, the gap between rich and poor in relation to child mortality rates doubled between 2006 and 2011.[26] Children in wealthier families are now twice as likely to survive as poor children. Greater Accra recorded a much greater decline in childhood mortality than the three northern regions.[27]

30. Although the World Bank identified widening inequality, especially regional gaps, as the first of Ghana's three most significant challenges if it is to realize further poverty reduction and shared prosperity, the Government has done very little to explicitly address this challenge, and most of its policies seem set to increase rather than minimize inequality.[28]

V. Factors exacerbating the situation of those living in poverty

A. Gender discrimination

31. Although gender equality is mandated by article 17 of the Constitution and the Government has created a Ministry of Gender, Children and Social Protection, women in Ghana still face widespread discrimination and inequality and lag behind in most areas of public life. For example, almost 50 per cent more females than males have never attended school (14.3 per cent compared to 9.1 per cent).[29] While gender parity has almost been achieved at preschool and early childhood levels, the gap begins to widen significantly at the junior high- and high-school levels, despite the introduction of free compulsory and universal basic education and free secondary high school policies. The gap is especially large in rural communities, for a mix of cultural, economic and institutional reasons. The traditional view that women should be at home doing domestic and household tasks and that boys should take care of their parents in old age, lead parents to discourage female education. Early and forced marriage and teenage pregnancy are major problems, with about 27 per cent of girls marrying between 15 and 18 years of age.[30] Ghana's child marriage rate is one of the highest in the world[31] and child brides often drop out from school and end up living in poverty.

32. In terms of representation in decision-making bodies, the present Government has committed to a quota of 40 per cent[32] and an important number of women are in the Ministry of Gender, Children and Social Protection. However, in 2016, women held only 11 per cent of the seats in the national parliament and accounted for only 30 per cent in tertiary education enrolments. There is still low representation of women in decision-making positions at the district, regional and national levels. None of the national or regional Councils of Chiefs currently include a female member. Strong male domination at senior and mid-level management of most district assemblies and the relative paucity of women at the regional and district levels of decision-making are major concerns.

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[24] Ibid. See also Mckay, Pritilla, Tarp, "Ghana: poverty reduction over thirty years".

[25] See Cooke, Hague and McKay, "The Ghana poverty and inequality report" and Ghana Statistical Service, "Ghana poverty mapping report" (2015).

[26] See Cooke, Hague and McKay, "The Ghana poverty and inequality report".

[27] See Mckay and Osei-Assibey, "Inequality and poverty in Ghana".

[28] See World Bank, *Ghana: Policy Agenda for Growth and Shared Prosperity* (2017).

[29] See Ghana Statistical Service, *Population and Housing Census 2010* (summary report, 2012), available at www.statsghana.gov.gh/docfiles/2010phc/Census2010_Summary_report_of_final_results.pdf.

[30] See "Joint reports submitted to the Office of the U.N. High Commissioner for Human Rights by civil society organisations in Ghana towards its 3rd universal periodic review" (2017).

[31] See Ghana Statistical Service, *Multiple Indicator Cluster Survey* (final report, 2011).

[32] See www.ghana.gov.gh/index.php/media-center/features/1749-the-role-of-ghana-s-public-service-in-women-s-empowerment.

33. Many of the discriminatory practices that still negatively affect women seem to be rooted in customary law and traditional practices. The Ministry of Chieftaincy and Religious Affairs should thus take a leading role in promoting gender equality and facilitating debate about appropriate policies. At present, however, the Ministry has no policies on issues such as child marriage, representation of women in the Houses of Chiefs, or facilitating female ownership of, rather than just access to, land. The Ministry considers that these matters fall exclusively under the jurisdiction of other ministries.

34. Article 26 of the Constitution provides that every person is entitled to enjoy, practise, profess, maintain and promote any culture, language, tradition or religion subject to the provisions of the Constitution. But it also prohibits all customary practices that dehumanize or are injurious to the physical and mental well-being of a person. Systematic gender discrimination should be prohibited under that provision and the Ministry should draw up plans to promote gender equality in the context of traditional institutions.

35. In relation to land ownership by women, traditional leaders and family heads control nearly 80 per cent of rural land.[33] Community decision-making, with regard to the distribution of land plots, is under the responsibility of lineage chiefs and all members of the lineage are entitled to usufructuary rights or customary freehold, regardless of their sex. The official position of the Government, as expressed to the Special Rapporteur is that "there is no barrier or hindrance to deny or make it difficult for women to possess land". In practice, however, male family heads of household are in charge of establishing landownership. Hence, women's access to and use of land is mediated through their male counterparts.

36. Although agriculture in Ghana is predominantly practised by smallholder farmers, it contributes about 21 per cent of GDP and 12 per cent of tax revenues.[34] Women make up around 50 per cent of the agricultural labour force and are estimated to produce 70 per cent of the food crops.[35] Nevertheless, they earn less than 10 per cent of the total income generated.[36] There would seem to be powerful arguments for the Government to revisit the inevitably controversial issue of female landownership and map out ways to achieve change that is essential if the rights of women are to be fully respected and if their economic productivity is to be unlocked.

37. Concerning access to credit and financing in the informal sector, over 85 per cent of the population are working in the informal sector and 70 per cent are women working as head porters, farmers and traders. However, women's access to credit and financing is minimal, given that most loans and lines of credit depend on collateral that women lack.

38. Rather than leaning on the argument that little can be done to change customary law and traditional practices, the Government should take urgent action to empower women by supporting their economic participation and therefore promoting gender equity. Girls with access to education, jobs and safe homes are better equipped to help themselves and their families to escape poverty and female-headed households have lower poverty rates than male-headed households.[37] An important affirmative action bill has been drafted, but progress seems to be stalled.

B. Sexual orientation and gender identity discrimination

39. The issue of sexual orientation and gender identity is extremely controversial in Ghana. Many officials informed the Special Rapporteur that there was no prohibition on same sex couples, but added that any sexual contact between them would violate the law.

[33] See www.ghanaweb.com/GhanaHomePage/regional/Culture-rural-women-and-land-rights-in-Ghana-474618.

[34] Ghana Statistical Service, "Statistics for development and progress: revised 2015 annual gross domestic product" (2016).

[35] See SEND Ghana, "Women and smallholder agriculture in Ghana", (October 2014).

[36] See www.ghanaweb.com/GhanaHomePage/regional/Culture-rural-women-and-land-rights-in-Ghana-474618.

[37] See Cooke, Hague and McKay, "The Ghana poverty and inequality report".

However, they also stated that since the law was rarely enforced, there was no problem in practice.

40. This is not the place to repeat all the arguments about equal treatment and respect for minorities, but it is the place to emphasize that there is a very important poverty dimension to the issue. The reality is that lesbian, gay, bisexual, transgender and intersex persons face a range of human rights violations merely because they are perceived to be different. They suffer harassment in public, in the workplace and in the family. They endure intimidation, arbitrary arrest, violence, threats and blackmail and they lack access to remedies for such violations. The absence of statistics on the lesbian, gay, bisexual, transgender and intersex population and recurrent homophobic statements by political leaders, members of the parliament and religious leaders are symptoms of the prevailing discriminatory attitudes.

41. Stigmatization and discrimination make it impossible for such individuals to become productive members of the community, when disclosure of their sexual orientation is likely to lead to them being thrown out of their jobs, schools, homes and even their communities. Some choose to hide their sexual orientation and gender identity and are pushed to marry against their will; others have to leave their homes and communities and try to start new lives.[38] Discrimination against lesbian, gay, bisexual, transgender and intersex people makes them vulnerable to extreme poverty and living in poverty they experience intersecting forms of discrimination that prevent the full enjoyment of their human rights.

42. While the Government might argue that it is not responsible for acts of discrimination by private persons, the reality is that the law sets the overall framework and strongly influences attitudes. Decriminalizing adult consensual same-sex conduct would be a first step towards recognizing the human rights of lesbian, gay, bisexual, transgender and intersex people and fighting discrimination based on sexual orientation and gender identity. A national public education campaign on the rights of such persons and legal remedies and social services for victims of sexual discrimination based on sexual orientation and gender identity is urgently needed to uphold the country's commitment to equality and fairness.[39]

C. Discrimination against persons with disabilities

43. Persons with disabilities are among the most vulnerable groups in Ghana. The 2010 population and household census determined that there were 737,743 persons with some form of disability, representing 3 per cent of the total population.[40] But there are strong reasons to assume that this represents a radical undercounting of the actual number, which is much more likely to be closer to the 10 per cent level suggested by other sources.[41] Socially, individuals with disabilities are viewed negatively and often ostracized and denied opportunities that result in their inability to participate in society. Condemnation as a "spirit child" leads to ostracism at best, and death at worst. Similarly, thousands of people with psychosocial disabilities have been reported to be forced to live in psychiatric hospitals and prayer camps, often against their will, where they are subject to involuntary and often abusive treatment.[42] Persons with disabilities and families with a disabled child face a double burden of poverty.

44. In 2011, the Ministry of Health discontinued the collection of data on persons with disabilities. Concrete disaggregated data as well as government policies or programmes

[38] See Human Rights Watch, "No choice but to deny who I am: violence and discrimination against LGBT people in Ghana" (January 2018).

[39] A study entitled "Global views on morality", published by the Pew Research Center in 2014, found that 98 per cent of Ghanaians believed that homosexuality was morally unacceptable, the highest percentage of all 40 countries that were included in the study.

[40] See Ghana Statistical Service, *Population and Housing Census* 2010.

[41] See Ghana Federation of Disability Organizations, which estimates there are over 3 million people with disabilities in Ghana (www.gfdgh.org/) and www.myjoyonline.com/opinion/2017/December-3rd/promoting-rights-of-persons-with-disabilities-in-ghana.php.

[42] Human Rights Watch, "'Like a death sentence': abuses against persons with mental disabilities in Ghana" (2012).

targeting persons, and in particular children, with disabilities are lacking. Another significant problem affecting individuals with disabilities is structural and accommodation barriers to access. Although the Persons with Disabilities Act of 2006 guarantees access, in practice there are various aspects of buildings that often make them completely inaccessible to individuals with disabilities. This inaccessibility reduces the ability of individuals with disabilities to participate in employment, social life, and civic affairs.

45. The Government should re-establish the collection of data and the issuance of statistics on persons with disabilities to ensure the development of targeted policies and social protection programmes, with particular emphasis on assistance, aimed to support persons with disabilities living in poverty.

D. A criminal justice system for the rich

46. The President has acknowledged that justice is perceived to be expensive and slow in Ghana, and information presented to the Special Rapporteur by various stakeholders confirmed that the costs of the system fall overwhelmingly on the poor. They are the ones who cannot afford the lawyer guaranteed to them by the Constitution and by the country's international human rights obligations. And they are the ones who cannot pay the petty bribes so often demanded in this context and thus end up in prison.

47. The constitutional right to legal aid is meaningless in the great majority of cases because of a lack of resources and the institutional will to introduce the necessary far-reaching reforms. The legal aid scheme reportedly has 23 lawyers for the entire country, a ratio of less than 1 lawyer per 1 million of the population. What little aid does exist is concentrated in large cities such as Accra and Kumasi and the limited budget of the scheme of 6.7 million cedis ($1.5 million) in 2017 has reportedly been further reduced to 5.9 million cedis ($1.3 million) in 2018.

48. The incidence of excessively prolonged and arbitrary pretrial detention has been widely documented and criticized by human rights bodies and organizations at the national and international levels. Despite the existence of a number of constitutional and legal safeguards designed to prevent arbitrary pretrial detention, they appear to be routinely ignored and violated by the law enforcement and judicial authorities.[43] There are reported cases of remand prisoners who have been detained for over 10 years (see A/HRC/31/57/Add.2, para. 40),[44] and in some cases, for longer than the maximum sentence that can be imposed for the crimes of which they are accused.[45] The lack of effective legal representation is especially problematic in death penalty cases. Some prisoners have reportedly been sentenced to death without being represented by a lawyer.[46] The prisoners affected are overwhelmingly poor. While an initiative such as the "Justice for All Programme" has significantly contributed to reducing the remand prison population since its inception in 2007, it has not addressed and is not designed to address the systemic causes of the problem, including the lack of capacity on the part of the law enforcement and judicial authorities to efficiently and effectively investigate, prosecute, process and manage cases. Moreover, the withdrawal of funding by the donors puts this programme at risk of being terminated.

49. The consequences of prolonged imprisonment are devastating, particularly in the light of deplorable conditions of detention. Prisons are often extremely overcrowded and do not provide for adequate food, health care or sanitation facilities, leading to widespread communicable diseases among the prisoners. Again, the well-off will almost never be

[43] See "Joint reports submitted to the Office of the U.N. High Commissioner for Human Rights by civil society organisations in Ghana towards its 3rd universal periodic review".

[44] See also some examples presented in Human Rights Advocacy Center and others, "Civil society report on the implementation of the ICCPR" (contribution to the list of issues on the initial report of Ghana), October 2015.

[45] Ibid.

[46] Amnesty International, "Locked up and forgotten: the need to abolish the death penalty in Ghana" (2017).

subjected to such treatment. The brunt of a highly unequal, underresourced and inefficient criminal justice system in Ghana falls almost entirely on those living in poverty. If it were otherwise, the shortcomings in the system would likely have been addressed long ago.

VI. Major challenges

A. Acknowledging economic and social rights

50. Chapter 6 of the Constitution contains an impressive array of directive principles of State policy. For example, the "State shall take all necessary action to ensure that the national economy is managed in such a manner as to … provide adequate means of livelihood and suitable employment and public assistance to the needy" (art. 36 (1)); it should recognize "that the most secure democracy is the one that assures the basic necessities of life for its people as a fundamental duty" (art. 36 (2) (e)); it should "ensure the full integration of women into the mainstream of the economic development of Ghana" (art. 36 (6)); it shall enact appropriate laws to ensure "the protection and promotion of … the rights of the disabled, the aged, children and other vulnerable groups in development processes" (art. 37 (2) (b)); and in those contexts it "shall be guided by international human rights instruments" (art. 37 (3)).

51. The reality is that although Ghana has made great strides in relation to policies that are consistent with the right to education and the right to health, very few such initiatives have been premised upon treating economic and social rights as human rights. The provision of basic social protection for those living in extreme poverty is almost never talked of in terms of rights, although that is when it would count most. While many politicians have talked about the broken social contract in Ghana, few have followed this up in the spirit required by chapter 6 of the Constitution. It is time for Ghana to give meaningful recognition to economic and social rights, not only as directive principles but as binding legislative provisions, to empower designated institutions to promote those rights specifically as human rights and to establish accountability mechanisms to ensure that those whose rights to social protection are not fulfilled have meaningful recourse.

B. Improvements needed in key social protection programmes

52. Ghana provides a very positive example for other countries in terms of its commitment to a universal health insurance system and the provision of free education for all. Each of those policies is admirable, but it is also important to acknowledge shortcomings. The present section addresses each of the five flagship social protection programmes aimed at assisting those living in poverty. The focus is primarily on the "Livelihood Empowerment Against Poverty" programme but a brief comment is also offered on each of the others.

1. National health insurance scheme

53. The national health insurance scheme was established in 2003. It is 90 per cent funded by revenue from the national health insurance levy, which is basically a 2.5 per cent tax on goods and services, and 2.5 per cent of each worker's basic social security contribution. It currently reaches about one-third of the population. While many of those living in poverty are enrolled, largely because recipients of the "Livelihood Empowerment Against Poverty" programme should automatically qualify without any registration fee, many others are not because of the fees and other barriers to entry. The process of annual card renewal and the requirement to travel long distances to government offices are also significant obstacles for many beneficiaries. The Government informed the Special Rapporteur that it is planning to introduce a longer validity period, which should help. The scheme does not cover an important number of services, such as optical and auditory aids or artificial limbs. Moreover, a large proportion of beneficiaries with whom the Special Rapporteur met reported having had to pay for standard medicines at private pharmacies

because national health insurance scheme stocks were exhausted or those medicines were not covered.

54. The availability of insurance coverage should not be mistaken for enjoyment of the right to health and there are many problems in the health area that especially affect those living in poverty. Many of them were dealt with in the report of the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health in 2012 (A/HRC/20/15/Add.1). One particular issue warrants mention here: despite the fact that only 14 per cent of Ghanaians have access to improved sanitation and 20 per cent must still defecate in the open, leading to the loss of thousands of lives every year, the Government significantly reduced funding for sanitation in the 2018 budget.

2. Basic education capitation grants

55. By making primary education free over a decade ago, Ghana has achieved a net primary enrolment ratio of over 90 per cent as well as gender parity. In 2017, the present Government introduced a policy of free access for all to senior high school, from which some 400,000 pupils are expected to benefit. That is an important initiative, but unless it is complemented by other programmes it will lead to a worsening of existing wealth and gender inequalities. Government policy for 2018 is to pay all the fees for the basic education certificate examination for registered candidates. This means that those who have been able to afford high-quality, often private, schooling at primary level will benefit, which is much less likely to be the case for those who are struggling in schools in deprived and rural areas. Similarly, 3 out of every 10 girls do not transition to senior high school, meaning that the gender imbalance will be further consolidated. The same applies to students with disabilities. Since 20 per cent of those aged 6–24 years with a disability have never attended school and many of the remaining 80 per cent face stigmatization and poor learning support, they will not benefit from the free senior high school programme.

3. School feeding programme

56. The school feeding programme, launched in 2005, aims "to deliver a well-organized, decentralized intervention providing disadvantaged school children with nutritionally adequate, locally produced food thereby reducing poverty through improved household incomes and effective local economic development".[47] In 2016, it was reported to provide one meal a day to 1,728,681 pupils in 5,285 schools in 216 districts, representing 36.6 per cent of total potential coverage.[48]

57. The programme is entirely funded by the Government and accounts for 54 per cent of total spending on social assistance. It is of particular political significance because it employs 24,000 caterers and cooks nationwide and the Special Rapporteur was informed by many sources that the allocation of these contracts is heavily influenced by party political considerations. There does not appear to be any systematic monitoring of the quality of the food provided, which students are served by the programme, how much "shrinkage" occurs, and what outcomes have been achieved. Given the expense of the programme, such an evaluation should be undertaken. The existing monitoring mechanisms, involving parent/teacher associations and school prefects, are ineffectual.

4. Labour-intensive public works programme

58. The programme is small-scale and largely seasonal, and employs low-income individuals in extremely poor rural districts on projects involving roadworks, the construction of small earth dams and forestry. In the 2017 budget, the Government promised to undertake a total of 322 subprojects in 60 districts, which were expected to employ 30,764 rural poor through 154 climate change interventions. The 2018 budget was

[47] See Government of Ghana, "Draft national school feeding policy" (November 2015).

[48] See www.ghanabusinessnews.com/2016/07/23/ghana-government-launches-national-school-feeding-policy/.

silent on the labour-intensive public works programme, which seems to suggest that almost all of it will be donor-supported.[49]

5. Livelihood Empowerment Against Poverty

59. This is a cash transfer programme currently providing benefits to 213,000 extremely poor and vulnerable households in 216 districts in all 10 regions of Ghana. The programme has increased consumption in the relevant households by 67 per cent and has enabled recipients to engage in productive activities, such as small businesses, raising livestock and growing food for market. Research suggests that every cedi spent on the programme generates 2.5 cedis in the local economy.[50] The programme is much lauded by international agencies, but it faces various problems.[51] First, it only reaches one in every eight of the 6.3 million people living in poverty. Second, although described as "highly-targeted", interviews undertaken by the Special Rapporteur with target communities of the programme in both urban and rural areas strongly suggest that the coverage is often somewhat arbitrary and in practice generally reflects the outcome of a one-time survey undertaken some years earlier. Thus in technical terms, there have indeed been few inclusion errors, but there are clearly a great many exclusion errors. Third, the selection of which communities to register appears not to have been immune from party political considerations. Fourth, the rolls are not regularly updated. Fifth, there is no meaningful process for appealing against exclusion from the programme, notwithstanding the creation of a hotline, which in practice is almost entirely irrelevant for this purpose. Sixth, the bi-monthly grants of between 64 and 106 cedis (currently worth $13.60 and $22.50, respectively), depending on the number of beneficiaries in the household, are increasingly inadequate with the median transfer representing only 13 per cent of household consumption, or less than 6 days of food per month. Programmes elsewhere in sub-Saharan Africa show the desirability of a target of at least 20 per cent.

60. Livelihood Empowerment Against Poverty is a potentially very valuable form of social assistance, but its coverage needs to be greatly expanded, the amount it provides to beneficiaries needs to be increased, it needs to be better coordinated with other programmes and its financing needs to be assured. The Government plans to expand the programme to cover 456,000 households by the end of 2018, but it also plans to "graduate" large numbers of recipients so that they can move off the programme and become self-sufficient. It is unclear how realistic this is, since a great many of the recipients are in no condition to earn enough money to live on, even with increased training and other opportunities. More problematic is the extent to which the "hand-up rather than a handout" rhetoric reveals a mindset that sees basic minimum social protection not as a human right but as a temporary and highly contingent handout.

6. Programme coordination

61. Coordination of social protection initiatives, even among the five programmes considered above, is widely considered to be inadequate. Each programme falls within the purview of different ministries. The Livelihood Empowerment Against Poverty programme is overseen by the Ministry of Gender, Children and Social Protection. The school feeding programme is overseen by the same Ministry, but implemented by the Ministry of

[49] See SEND Ghana, "Social protection and inequality, need for scale up and targeting: an analysis of the 2018 budget".

[50] See Karen Thorne and others, "Local economy-wide impact evaluation of Ghana's Livelihood Empowerment Against Poverty programme" (Food and Agriculture Organization of the United Nations, 2014).

[51] See Antonio David and others, "Case studies from the sub-Saharan Africa region" in *Energy Subsidy Reform: Lessons and Implications*, Benedict Clements and others, eds. (Washington D.C., International Monetary Fund, 2013); Stephen D. Younger, Eric Osei-Abissey and Felix Oppong, "Fiscal incidence in Ghana", *Review of Development Economics*, vol. 21, No. 4 (November 2017); Stephen D. Younger, "Ghana's macroeconomic crisis: causes, consequences, and policy responses", International Food Policy Research Institute (2016); and World Bank, "Poverty reduction in Ghana: progress and challenges".

Education. Basic education capitation grants are facilitated by the Ministry of Education. The labour-intensive public works programme is implemented through the social opportunities programme of the Ministry of Local Government and Rural Development. The national health insurance scheme is operated and managed by the National Health Insurance Authority, but is coordinated and implemented by the Ministry of Health. The commitment in the 2015 national social protection policy to stronger interministerial coordination has little to show for it, other than the existence of a range of committees that, by most accounts, do very little actual coordination. The present Government is embarking upon a range of different projects to develop comprehensive databases to track information relating to many of the social protection programmes. However, these initiatives appear to be firmly located within their own freestanding silos and are not being systematically connected or related to one another. Unless action is taken, the risk is that duplication, inconsistency and confusion will jeopardize the outcomes.

62. The problem of lack of coordination also goes beyond social protection issues. Many examples could be given, but a few must suffice. One ministry affirmed that the Sustainable Development Goals were of major importance to Ghana but could not point to even a single programmatic goal or subgoal that they were actively promoting or implementing. Instead, it referred the Special Rapporteur to the presidential Sustainable Development Goals unit. The Attorney-General's Department had no view on prison overcrowding or the abysmal conditions in which prisoners are held, referring the Special Rapporteur instead to the Interior Ministry, whose concern this was. And the Ministry of the Chieftaincy and Religious Affairs, when asked if they did anything to promote gender equality insisted that this was a matter for the Ministry of Gender, Children and Social Protection.

C. Affordability

63. Funding is a major challenge to the country's efforts to meet its international human rights obligations. It has been estimated that Ghana needs about $1.5 billion per year to close the infrastructure investment gap.[52] Water and sanitation conditions in urban informal settlements and rural areas are bad, leading to higher rates of malaria, diarrhoeal diseases, anaemia and intestinal diseases. Pipe-borne water is rare in rural areas, with communities typically relying on surface water, boreholes and wells, all of which may be polluted by fluoride, human or animal excrement, or poisons from mining, such as arsenic and cyanide.[53]

64. Services are similarly overburdened in poorer areas. Both health care and education struggle to retain qualified staff as a result of the poor state of infrastructure and facilities.[54] For example, 94 per cent of specialist health professionals are found in the south, leaving the north with only 6 per cent.[55] In education, the northern regions have only 35 per cent of the trained teachers they need[56] and schools often lack critical facilities such as toilets, water and electricity.[57] In addition, there is a widespread lack of specialized services for particularly vulnerable groups, such as homeless people and people with disabilities.

65. In addition, the Government currently spends very little on social assistance and social protection. As a result, core social assistance programmes still rely significantly on donor funding while others are gravely underfunded. Ghana devotes only 1.4 per cent of GDP to social protection. By comparison, other low middle-income peers in sub-Saharan Africa spend an average of 2.1 per cent, which is 50 per cent more.[58] Ghana spends only 0.5 per cent of GDP on social assistance, but if educational scholarships are excluded, that

[52] World Bank, *Ghana: Policy Agenda for Growth and Shared Prosperity*.

[53] See, for example, UNDP *Northern Ghana Human Development Report* (2018), ch. 5, and World Bank, *Ghana: Policy Agenda for Growth and Shared Prosperity*.

[54] UNDP *Northern Ghana Human Development Report*.

[55] Ibid, p. 30.

[56] See Catherine Blampied and others, *Leaving No One Behind in the Health and Education Sectors: an SDG Stocktake in Ghana* (London, Overseas Development Institute, 2018).

[57] See UNDP *Northern Ghana Human Development Report*.

[58] World Bank, *Ghana: Policy Agenda for Growth and Shared Prosperity*.

figure reduces to 0.3 per cent of GDP, which is extremely low. It is no surprise that the International Monetary Fund (IMF), in its Article IV report on Ghana, stresses the need to protect social spending.[59] When so little is actually being spent, protecting existing levels does not amount to much. In fact, after years of cutting back on government expenditures, even the IMF believes that there is no room in the Ghanaian budget for further cuts.

66. Given the very low level of social spending in the budget in general and the fact that some 90 per cent of spending on goods and services by the Ministry of Gender, Children and Social Protections is said to come from donor partners,[60] the commitment to a "Ghana beyond Aid" raises more questions than answers. Commercial sectors will doubtless be able to make up for decreasing aid, as will some other government programmes, but there is a risk that much of the burden of diminishing aid dependence will fall upon the social protection sector unless dramatic steps are taken to change the existing approach. While Government officials insisted to the Special Rapporteur that they did not expect social sector aid to fall, donors made it clear that this was very likely to happen.

67. The only consistent response that the Special Rapporteur received from government sources in relation to funding for the ambitious social programmes that were already on the books but remained inadequately or insecurely funded, was that the flagship economic programmes of the current Government would take care of the problem. Particular reliance was placed upon the component parts of the Infrastructure for Poverty Eradication programme, such as the "One District, One Factory", "One Village, One Dam", "One District, One Warehouse" and "One Constituency, One Million Dollars" initiatives. While these are characterized as "pro-poor" and "poverty eradication" programme, they are in reality economic growth programmes that are likely to benefit the wealthy and the well-connected far more than those living in poverty.

68. Ghanaian politicians are immensely fond of, and very good at, creating slogans to describe complex but appealing programmes. However, there is little doubt that the appetite for such slogans has already far outrun the capacity for realistic implementation. That is compounded by the fact that while many of the country's legislative and institutional frameworks are both progressive and impressive, there is often all too little substance to them on the ground. While the Infrastructure for Poverty Eradication programmes might have much to offer to the country, there is absolutely no guarantee that they will make a significant contribution to eliminating extreme poverty. The only link that officials sought to make was an argument that the programmes would generate employment on a large scale, but programmes that remain largely inchoate and have no specific elements aimed at ensuring that those living in poverty will derive any direct benefits are unlikely to meet the very high expectations vested in them by officials. Thus the challenge going forward is for the Government to choose its real priorities, make sure that social protection is among them and be more transparent about potential costs and possible funding sources.

69. Unless a specific and demonstrable pro-poor dimension is built into the flagship economic programmes of the Government, there is every likelihood that inequality will worsen and poverty will be exacerbated. A recent academic study concluded that overall Government spending, apart from health and education, actually increases poverty in Ghana. Thus, far from redistributing wealth from the richest part of the population to ensure minimum decent living standards for the poor, the budget actually benefits the well-off much more than the poor.[61]

70. With record economic growth levels and large potential revenue sources from the implementation of existing tax rules, the Government is ideally placed to put its social spending on a sustainable and affordable footing. Many studies have identified some of the principal options that exist to raise tax revenues. The reality, however, seems to be that if various forms of corruption were tackled more seriously and especially if some of the

[59] See IMF, 2017 Article IV Consultation

[60] In its budget brief on child protection, SEND Ghana estimates that "donor funds [make] up more than one-third (36 per cent) of the Ministry [of Gender, Children and Social Protection's] 2018 allocations".

[61] See Younger, Osei-Assibey and Oppong, "Fiscal incidence in Ghana".

politically-inspired tax exemptions were eliminated, the budget could enjoy rude good health. The Government should commission an independent expert study of the tax revenues that could be raised if existing exemptions, most of which privilege special interests, were to be reduced or eliminated.[62] An informed public debate could then take place.

71. The bottom line is that more revenue could very easily be generated if the political will exists and even a small amount of it could be used to provide serious and sustainable financing for an expanded package of social protection measures in Ghana.

D. Tackling corruption

72. Article 35 (8) of the Constitution requires the State to "take steps to eradicate corrupt practices and the abuse of power". However, in the Transparency International 2017 Corruption Perceptions Index, Ghana was placed twelfth in Africa, well behind countries such as Botswana, Seychelles and Rwanda. In global terms, Ghana ranked eighty-first out of 180 countries. Analysis points to a range of recent public sector corruption cases as explanation. Various experts told the Special Rapporteur that "facilitation fees" and other informal and generally illegal ways of extracting money from businesses and private individuals detract significantly from the country's efforts to attract investment. It has also been noted that customs enforcement "boasts one of the highest incidences of corruption and bribery in the country".[63]

73. Petty corruption, a form of graft that has particularly negative implications for the poor, is also prevalent in Ghana. Opinion polls indicate that the police are seen as the most corrupt group, with 92 per cent of citizens opining that at least some police officials are corrupt and 59 per cent saying that most or "all are corrupt".[64] Other studies have highlighted the role of bribery and corruption in the perversion of justice.

74. Ghana does not have a strong record of prosecuting corruption. Many theories are offered as to why.[65] Some allege that the country's endemic corruption is "embedded in its flawed democracy" of "illiberal practices such as monetized politics, winner take-all politics, vote buying, electoral frauds and violence, political vigilantism, judicial corruption and selective justice, and a lack of punishment of the politically connected corrupt persons".[66] Others argue that the (lean) history of ministerial level prosecutions indicate that "corruption-related prosecutions have been used more like weapons in a party political war than to seriously signal a change in political culture away from impunity with regard to corruption".[67] Studies have also been critical of the inability of the Commission on Human Rights and Administrative Justice to make effective use of its anti-corruption mandate, although the Government has strenuously denied the thrust of these analyses.[68]

75. In 2017, a Special Prosecutor was appointed to "investigate specific cases of corruption involving public officers, and politically exposed persons in the performance of their functions as well as individuals in the private sector implicated in the commission of

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[62] On the cost of investment incentives, see ActionAid Ghana, "Investment incentives in Ghana: the cost to socio-economic development" (2014).

[63] See Wisdom Takumah and Bernard Njindan Iyke, "The links between economic growth and tax revenue in Ghana: an empirical investigation", *International Journal of Sustainable Economy*, vol. 9, No. 1 (2017).

[64] See http://afrobarometer.org/blogs/ghana-africas-good-governance-darling-losing-fight-against-corruption.

[65] See, for example, Joseph Atsu Ayee "The roots of corruption: The Ghanaian enquiry revisited", Institute of Economic Affairs (2016).

[66] Kofi Nsia-Pepra, "Flawed democracy: the bane of Ghana's success in curbing corruption", *Air and Space Power Journal*, vol. 8, No. 2 (2017).

[67] Linnea Cecilia Mills, "Catching the 'big fish': the (ab)use of corruption-related prosecutions across sub-Saharan Africa", *Development Policy Review*, vol. 35, No. 2 (2017).

[68] Kwame Asamoah and Emmanuel Ababio Ofosu-Mensah, "Fruitlessness of anti-corruption agencies: lessons from the Commission on Human Rights and Administrative Justice in Ghana", *Journal of Asian and African Studies*.

corruption and prosecute these offences on the authority of the Attorney-General".[69] The Special Rapporteur was, however, informed of slow progress in terms of funding, physical office space and staffing for the Office of the Special Prosecutor. There were also concerns that the Office might be used to focus primarily on officials of the previous Government rather than on continuing problems of corruption. The Government should move fast to allay those concerns in a convincing fashion.

76. In various forms, a Right to Information Bill has been debated since 1999. Its adoption, as regularly promised by successive Governments, could make a major contribution to anti-corruption efforts. The Government should engage with civil society on substantive concerns such as adequately defining "public interest", making provision for the management of records to ensure actual implementation of the legislation, providing a more accessible appeals process, establishing an independent monitoring agency and including penalty provisions and accelerated disclosure in case of life and liberty.

VII. Conclusions and recommendations

77. **Every country has people living in extreme poverty, but not every country has record economic growth levels and the capacity to take sustained and effective steps to eliminate much of the extreme poverty among its citizens. Ghana is at a crossroads and must now decide whether to continue existing policies that will further enrich the wealthy and do little for the poor, or make fiscal adjustments that would lift millions out of poverty and bring them into the agricultural economy in ways that would contribute significantly to economic growth. Choosing to eliminate, or not to eliminate, extreme poverty is a political choice for a country like Ghana. When 3.5 million children live in poverty and more than one third of those live in extreme poverty, a human rights proponent would bemoan the violation of many of the rights of those children. But an economist would also point to the immense loss of human capital involved, the costs to the economy and the future stunting of potentially productive citizens.**

[69] Office of the Special Prosecutor Act 2017.